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In re Application of
Klemann et al
Application No.: 09/786,421
PCT No.: PCT/DE99/03922
Int. Filing Date: 08 December 1999
Priority Date: 11 December 1998
Attorney's Docket No.: 0998PO5915WOUS
For: CONTROLLING AND MARKETING
METHOD FOR UTILIZING OF THE
INTERNET/INTRANET

DECISION ON

PETITION UNDER

37 CFR 1.137(b)

This is in response to the "Petition To revive Unintentionally Abandoned Application Under 37 C.F.R. § 1.137(b)" filed on 06 March 2001.

BACKGROUND

On 08 December 1999, this international application was filed, claiming an earliest priority date of 11 December 1998. A copy of the intentional application was transmitted on 22 June 2000 to the USPTO from the International Bureau

No Demand electing the United States was filed in this international application. Accordingly, the deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.494 was 11 August 2000. This international application became abandoned with respect to the United States at midnight on 11 August 2000 for failure pay the basic national fee.

On 06 March 2001, applicant filed in the United States Patent and Trademark Office (PTO) the instant petition, and a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, *inter alia*, the U.S. basic national fee, and an executed declaration.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay

in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

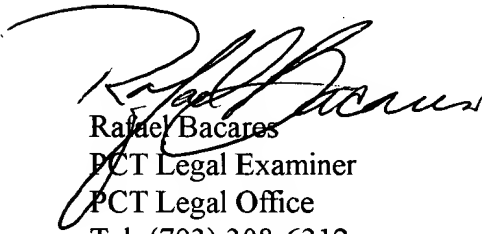
Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in § 1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing, including according the application a 35 U.S.C. 371 date of **06 March 2001**.



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